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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,205	09/18/2000	Nathan F. Raciborski	19396-000300US	4086
20350	7590	05/20/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,205

Applicant(s)

RACIBORSKI ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-13,15,17,18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 4,14,16 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13,15,17,18,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

(Request for Continued Examination)

Applicant amended claims 1, 3, 5, 9, 11, 12, 17 and 21.

Claims 4, 14, 16 and 19 are canceled.

Claims 1-3, 5-13, 15, 17, 18, 20 and 21 are pending.

Priority

1. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 120. The certified copy has been filed in provisional Application No. 60/209,007, filed on 6/01/2000.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1-3, 9, 11, 12, 17, 18, 20 and 21** are rejected under 35 U.S.C. 102(b) as being anticipated by *Cariño, Jr. et al* (USPN 5864,843).

- a. **Per claim 1**, *Cariño, Jr. et al* teach a content serving system for tracking one or more content objects stored on a plurality of remotely-located content exchanges and to provide the one or more content objects to the remotely-located content exchanges, the content serving system comprising:

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- the one or more content objects (col.2 lines 30-46, col.3 lines 8-40 and col.4 line 40-col.5 line 20);
- a content server component to provide copies and partial copies of the one or more content objects originating from the content serving system to the remotely-located content exchanges (Figure 2, col.4 lines 26-39, col.5 line 32-col.6 line 55, col.4 line 64-col.5 line 20, col.8 line 60-col.9 line 9 and col.9 line 40-col.10 line 63; provision for content servers to provide partial extraction of content objects to users and receiver clients);
- a local content catalog comprising information on the one or more content objects originating from the content serving system (Figure 1, col.2 lines 30-46 and col.3 lines 8-40; provision for database structure and multimedia table comprising information on the variety of object data types);
- content location information comprising location information for the copies and partial copies (col.8 line 60-col.9 line 9, col.10 lines 30-63 and col.11 line 9-col.14 line 32; provision for object locator and media object locator information); and
- a content manager coupled to the local content catalog and the content location information, the content manager to update the content location information based on information received from the remotely-located content exchanges (col.6 line 56-col.8 line 6, col.10 lines 31-63 and col.16 lines 9-15; provision for federated coordinator and updating capabilities).

b. **Claims 9 and 17** contain limitations that are substantially similar to claim 1 and are therefore rejected under the same basis.

c. **Per claim 3, Cariño, Jr. et al** teach the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1, further comprising one of a live web cam, a video or audio feed, a data object, a data stream, a video tape or audio tape, an optical or magnetic disk to provide the source of at least one of the one or more content objects (col.3 lines 8-41, col.4 line 64-col.5 line 20 and col.10 lines 31-49).

d. **Claim 11** is substantially similar to claim 3 and is therefore rejected under the same basis.

e. **Per claim 12**, *Cariño, Jr. et al* teach the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 10, further comprising a content manger coupled to the local content catalog and the content location information, the content manager to update the content location information based on information received from the remotely-located content exchanges (col.6 line 56-col.8 line 6, col.10 lines 31-63 and col.16 lines 9-15).

f. **Per claim 18**, *Cariño, Jr. et al* teach the content serving system for tracking content objects of claim 17, wherein each content exchange comprises a content store for caching the copies and partial copies (col.3 lines 8-40, col.4 line 40-col.5 line 67, col.9 line 29-col.10 line 63 and col.12 line 45-col.13 line 3).

g. **Per claim 20**, *Cariño, Jr. et al* teach the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1, wherein an unpublished content object is on the content server, but unavailable to the content serving system (col.9 lines 11-37).

h. **Per claim 21**, *Cariño, Jr. et al* teach the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 10, wherein the content location information indicates which of the plurality of remotely-located content exchanges stores each of the one or more content objects (col.3 lines 38-40, col.9 lines 40-66 and col.13 lines 46-49).

i. **Claim 2** is substantially similar to claim 21 and is therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **5-8, 10, 13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cariño, Jr. et al* (USPN 5,864,843) in view of *Dabney et al* (USPN 6,643,663).

a. **Per claim 5**, *Cariño, Jr. et al* teach the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1 as applied above, yet fail to distinctly teach the serving system wherein the plurality of remotely-located content exchanges are across the Internet from the content server. However, *Dabney et al* teach the usage of content servers communicating across the web and WAN to remote content devices and use of an Internet server (col.5 line 63-col.6 line 59, col.7 lines 1-57, col.8 lines 38-65 and col.14 lines 19-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Cariño, Jr. et al* and *Dabney et al* for the purpose of providing communication from the content server to the remote device across the Internet; because the Internet serves as an obvious communication network functional as a wide area network.

b. **Claims 7, 13 and 15** are substantially similar to claim 5 and are therefore rejected under the same basis

c. **Per claim 6**, *Cariño, Jr. et al* teach the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1 as applied above, yet fail to distinctly teach the serving system wherein the content location information comprises a location of a content exchange that has a copy of the content object. However, *Dabney et al* disclose content location information for an identical copies of data stored in each of the databases (col.2 lines 37-54, col.6 lines 20-47, col.9 line 46-col.10 line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Cariño, Jr. et al* and *Dabney et al* for the purpose of location information in order to track and maintain the location of the content objects and the content copies stored and archived within the system.

d. **Claims 8 and 10** are substantially similar to claim 6 and are therefore rejected under the same basis.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Hofmann* (USPN 6,757,796), *Rowe et al* (USPN 6,466,941), *Zellweger* (USPN 6,131,098) and *Hatakeyama et al* (USPN 6,873,975).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles

Examiner

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kds



RUPAL DHARIA
EXAMINER